

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: BARTHOMEUF=1

In re Application of:)	Conf. No.: 5887
)	
Jean BARTHOMEUF et al)	Art Unit: 1654
)	
I.A. Filing Date: 9/20/2004)	Examiner: R. T. NIEBAUER
371(c) Date: 3/31/2006)	
)	Washington, D.C.
U.S. Appln. No.: 10/574,197)	
)	
For: METHOD AND DEVICE FOR)	November 28, 2008
CULTURING LIVE CELLS...)	

**REPLY TO PTO COMMUNICATION
HOLDING EARLIER REPLY "NON-RESPONSIVE"**

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendments
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants are in receipt of the communication from the PTO mailed October 28, 2008, holding applicants' reply of July 29, 2008, not fully responsive.

While applicants are still not fully certain that they understand the examiner's requirements, applicants further reply below supplementing the Reply filed July 29, 2008.

As regards the election of a species of the substrate, for example among those set forth in claim 19, applicants hereby respectfully and provisionally elect "water of industrial origin" as the substrate, with traverse and without prejudice. The reasons for traversal are already set

forth in applicants' reply of July 29, 2008, respectfully repeated by reference. All the claims are generic and thus all the claims read on the elected species.

Applicants respectfully add to the remarks previously made that the present invention has the aim or objective of treating substrates that change in composition over time, by helping the microbial flora to more quickly adapt to changing conditions.

Applicants still respectfully maintain that (1) unity of invention exists for the reasons set forth in the Reply filed July 29, 2008, and (2) there is no evidence that there would be a serious burden in examining more than just the elected species, particularly as all the claims are generic and thus must be searched and examined in any event.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By



Sheridan Neimark
Registration No. 20,520

SN:jnj

Telephone No.: (202) 628-5197

Faxsimile No.: (202) 737-3528

G:\EN\R\RINU\BARTHOME\BU1\PTO\2008-11-28AMDPC1.doc